

REMARKS

This application has been carefully considered in connection with the Examiner's Final Office Action dated March 7, 2007. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claim 28 was rejected under 35 USC 112.

Claims 8-9, 11-12, 15, 17, 25, 27 and 30-31; 10, 13 and 26; 14; 18 and 23-24; 20; 21; 22; 28-29 and 32-33 were rejected under 35 USC 103.

The specification was objected.

Summary of Claim Amendments

Claims 8, 9, 11, 12, 18, 20, 25, 26, 28, and 29 are amended.

Claim 27 is herein canceled.

Claim 34 is new.

Claims 13-15, 17, 23, and 24 remain as originally filed.

Claims 10, 21, 22, and 30-33 were previously presented.

Claims 1-7, 16, and 19 were previously cancelled.

Summary of Claims Pending:

Claims 8-15, 17, 18, 20-26, and 28-34 are currently pending following this response.

Applicant Initiated Interview

Applicants thank Examiner William J. Allen for his time and thoughtful consideration of the proposed amendments presented in the interview on April 3, 2007. In the interview, the proposed claim amendments were discussed in light of the interpretations of the Pallister reference presented in the Final Office Action dated March 7, 2007. Examiner Allen indicated that it appeared that the proposed claim amendments overcome the rejections presented in the Final Office Action, however, the Pallister reference may need to be reconsidered in light of the amendments. Applicants also acknowledge that further search and/or consideration of the claims presented herein may be required. Examiner Allen also raised the possibility of a rejection of claim 8 under 35 U.S.C. 101 and the possibility of a restriction between the set of claims including claim 8 and the set of claims including claim 18. A brief discussion of the teachings of the Pallister reference in light of the amendments, 35 U.S.C. 101 in light of claim 8, and the possibility of a restriction of the two sets of claims follows.

Response to Rejections and Objections**Claim 28:**

Claim 28 was rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Also, the amendment filed 12/13/2006 was objected to under 35 U.S.C. 132(a) because it introduced new matter into the disclosure.

In response to the rejection of claim 28 under 35 U.S.C. 112, first paragraph and the objection to the amendment, Applicants note the disclosure in paragraph 0030 discloses to “make each offering conditional such that acceptance of the first offer removes the second offer from the marketplace while acceptance of the second offer removes the first offer from the marketplace”. Merriam Webster’s Online Dictionary defines the term “mutually exclusive” as

“being related such that each excludes or precludes the other”. While the specific term “mutually exclusive” is not used in paragraph 0030 the conditional relationship described therein is clearly mutually exclusive. Applicants respectfully request the rejection under 35 USC § 112, first paragraph, and the objection to the amendment under 35 U.S.C. 132(a) to be withdrawn.

Claim 8:

Claim 8 has been amended herein to recite limitations of a web services provider providing multiple offerings of a web service wherein each of the multiple offerings include a different combination of criteria related to the web service. Support for the amendments is found in the present disclosure in at least paragraphs 0024 and 0030. Pallister discloses that multiple service providers may provide the same service (paragraphs 0017, 0018, 0022, 0026, and 0028). Pallister does not provide any teaching or suggestion of a service provider providing multiple offerings of a web service with each offering providing a different combination of criteria, as currently claimed.

Dependent claims 9-15, 17, and 34 are similarly not disclosed for at least the reasons detailed above.

In regard to 35 U.S.C. 101, Applicants assert that the limitations of claim 8 are directed to a statutory category of patentable subject matter. Applicants note that Appendix II of the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility indicate that “A machine is ‘a concrete thing, consisting of parts or of certain devices and combinations of devices.’ *Burr v. Duryee*, 68 U.S. (1 Wall.) 531, 570 (1863).” Applicants assert that the limitations of claim 8 do not include limitations directed to functional descriptive material such as software or any other non-statutory subject matter.

Claim 18:

Claim 18 has been amended herein to clarify using a web service through transactions with a proxy. Pallister discloses in paragraph 0030 that to engage the web service, “the potential customer 100 retrieves the address of the web service and binds the customer to the needed web service. In one embodiment, the web service is downloaded onto the customer’s platform. In another embodiment, the web service serves the customer remotely through a one-way request”. Similarly, Pallister discloses in paragraph 0032, “the engagement is achieved by having the customer retrieve the address of the web service and bind it to the needed web service”. While Pallister may obtain a web service through transactions with a “proxy”, Pallister does not disclose that the web services are used through transactions with a “proxy”.

Claim 18 has been further amended herein to also include limitations that “at least one of the plurality of providers offers multiple combinations of criteria including the quality of service for one or more of the web services”. Applicants assert that the two sets of claims do not contain divergent subject matter that would place a serious burden on the Examiner.

Dependent claims 20-26 and 28-33 are similarly not disclosed for at least the reasons detailed above.


CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

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